

591—13.5(455G) Recovery of free product discovered during the completion of a site cleanup report in a community remediation or packaged community remediation project.

13.5(1) The board shall require the consultant or contractor handling the project to perform free product recovery if free product is discovered during the course of the project. Expenses for field time, report submittal, product disposal, free product recovery systems and any other related cost shall be paid by the fund as an emergency response cost after budget approval by the administrator.

13.5(2) Free product recovery during completion of a site cleanup report shall be considered temporary abatement of the free product, not a permanent solution. Cost recovery against all responsible parties shall be sought by the board.

13.5(3) The board may require that the use of equipment to remove free product during completion of the site cleanup reports be publicly bid in an effort to achieve the lowest overall cost. Any such bids shall include services for tracking, storage, maintenance and movement of systems as deemed appropriate by the administrator and the DNR. If public bidding occurs, all costs will be paid by the board. Equipment purchased would be rented to each owner or operator for the length of time that the system was needed to meet necessary DNR corrective action standards.

13.5(4) If more than one site contributed to a free product contamination plume, costs for each contributor shall be allocated on a pro rata basis with each participant sharing the overall cost for free product removal equally. The administrator, at the written request of one or more of the owners or operators included in the community remediation or packaged community remediation project, may consider other methods of allocating costs for the work completed. The owner or operator making such request shall outline the method of allocation as an alternative. The board or its designee may allow the proposed alternative or may allocate costs as previously outlined in this rule.

13.5(5) Each owner or operator shall be responsible for free product recovery and required reports to the DNR. The selected contractor or consultant shall routinely maintain the system and submit all necessary reports to the DNR.

13.5(6) If free product recovery is required after the completion of the site cleanup report phase of activity, the owner/operator shall be responsible for obtaining budget approval of additional activity from the administrator.

13.5(7) Free product recovery costs are subject to deductible and copayments obligations.

13.5(8) Costs for work associated with a specific site, even those involving free product which has merged, shall be paid by the owner and operator of the site and shall not be prorated.